

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

HUNTINGTON DIVISION

DARRELL LEE GUTHRIE,

Petitioner,

v.

CIVIL ACTION NO. 3:13-21902

LARRY CRAWFORD, Warden,

Respondent.

MEMORANDUM OPINION AND ORDER

This action was referred to the Honorable R. Clarke VanDervort, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted findings of fact and recommended that Petitioner's "Writ of Mandamus Unlawful Incarceration" (ECF No. 1) be dismissed and this matter be removed from the Court's docket. Neither party has filed objections to the Magistrate Judge's findings and recommendations.

Accordingly, the Court accepts and incorporates herein the findings and recommendation of the Magistrate Judge and **DISMISSES** Petitioner's "Writ of Mandamus Unlawful Incarceration" (ECF No. 1) and **REMOVES** this matter from the Court's docket, consistent with the findings and recommendations.

The Court **DIRECTS** the Clerk to forward copies of this written opinion and order to all counsel of record, and any unrepresented parties.

ENTER: January 9, 2014


ROBERT C. CHAMBERS, CHIEF JUDGE